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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FORREST KENDRID,	No. 2:21-cv-0612 KJN P
Plaintiff,	
v.	<u>ORDER</u>
L.MILLER, et al.,	
Defendants.	

Plaintiff is a civil detainee. On April 19, 2021, plaintiff filed a request for reconsideration of the April 8, 2021 order requiring plaintiff to submit the filing fee or an application to proceed in forma pauperis. Plaintiff states that he was found not guilty by reason of insanity under California Penal Code Section 1026 and therefore is not required to provide copies of his prison trust account statements or pay the court’s filing fee because he is not a state prisoner under the Prison Litigation Reform Act (“PLRA”). (ECF No. 5.)

Plaintiff is correct that as a civil detainee, if he is granted leave to proceed in forma pauperis, he will not be required to pay the court’s filing fee in installments or submit a six month trust account statement because he is not subject to the PLRA. The order directing plaintiff to file an application or pay the fee included a footnote that incorrectly advised that he will still be required to pay the filing fee in installments even if his request to proceed in forma pauperis is granted. (ECF No. 3 at 1 n.1.) The motion for reconsideration is granted and the footnote in the

1 April 8, 2021 order is disregarded. If plaintiff is granted leave to proceed in forma pauperis, the
2 filing fee will be waived. However, plaintiff is still required to submit an application to proceed
3 in forma pauperis before his request can be granted because the application provides the court
4 with the information necessary to determine his eligibility. To date, plaintiff has not provided the
5 required application.


6 Therefore, IT IS HEREBY ORDERED that:

7 1. Plaintiff's request for reconsideration (ECF No. 5) is granted; if plaintiff is granted
8 leave to proceed in forma pauperis, the filing fee will be waived.

9 2. Within thirty days of service of this order, plaintiff shall submit an application to
10 proceed in forma pauperis on the form provided by the Clerk of the Court.

11 3. The Clerk of the Court is directed to send plaintiff an application to proceed in forma
12 pauperis (nonprisoner).

13 Dated: April 28, 2021

14 
15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE

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